

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BILL RALPH FRAZIER,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-07-756-F
)	
STATE OF OKLAHOMA,)	
)	
Defendant.)	

ORDER

On November 29, 2007, Magistrate Judge Doyle W. Argo issued a Report and Recommendation (doc. no. 28), wherein he recommended that plaintiff's action under 42 U.S.C. § 1983 be dismissed. In the Report and Recommendation, Magistrate Judge Argo advised plaintiff of his right to file an objection with the clerk of the court by December 19, 2007.

On December 6, 2007, plaintiff filed a "Motion to Dismiss United States Magistrate Judge Doyle W. Argo Recommendation" (doc. no. 29), which the court construes as an objection to the Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1). Having conducted a *de novo* review of the matter, the court concurs with Magistrate Judge Argo that plaintiff's § 1983 action should be dismissed. The court finds plaintiff's objection to be without merit. The court therefore accepts, adopts, and affirms the Report and Recommendation.

On December 11, 2007, plaintiff filed a "Motion [to] Correct a Sentence." From a review of the document, it does not appear that the motion is related to the December 6, 2007 motion, which the court has construed as an objection to the Report and Recommendation. In light of the court's ruling on the Report and

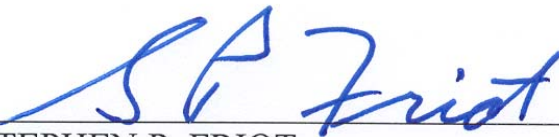
Recommendation, which results in the dismissal of plaintiff's § 1983 action, the court concludes that plaintiff's motion to correct a sentence should be denied as moot.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Doyle W. Argo issued November 29, 2007 (doc. no. 28) is **ACCEPTED, ADOPTED, and AFFIRMED**.

IT IS ALSO ORDERED that plaintiff's action under 42 U.S.C. § 1983 is **DISMISSED** based upon and for the reasons stated in the Report and Recommendation.

IT IS ALSO ORDERED that plaintiff's "Motion [to] Correct a Sentence," filed December 11, 2007 (doc. no. 30), is **DENIED** as **MOOT**.

DATED December 13, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE